



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 11 JULY 2018**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), D Peart (Vice-Chair), I Chilvers, J Deans, M Jordan, R Packham, P Welch, L Casling and R Musgrave**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Suspension of Council Procedure Rules**

The Planning Committee is asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the committee meeting. This facilitates an open debate within the committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a

proposal to be moved and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

5. Minutes (Pages 1 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 6 June 2018.

6. Planning Applications Received (Pages 13 - 14)

6.1. 2017/0687/FUL - Springfield House Farm, Green Lane, North Duffield (Pages 15 - 32)

6.2. 2018/0263/FUL - Jackadory, 37 York Road, Riccall (Pages 33 - 48)

6.3. 2018/0383/COU - Unit 5, Copley Enterprise Park, Station Road, Tadcaster (Pages 49 - 56)

G. Marshall

Gillian Marshall, Solicitor to the Council

<p>Dates of next meetings (5.00pm) Wednesday, 1 August 2018</p>
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Recording at Council Meetings

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Agenda Item 5



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 6 June 2018
Time:	2.00 pm
Present:	Councillor J Cattanach (Chair), D Peart (Vice-Chair), I Chilvers, J Deans, R Packham, P Welch, D Buckle and I Reynolds
Officers Present:	Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Kelly Dawson, Senior Solicitor, Alpha Love-Koh, Solicitor, Andrew Martin, Principal Planning Officer, Fiona Ellwood, Principal Planning Officer, Andrew Watson, Planning Officer, Ann Rawlinson, Principal Planning Officer, Simon Eades, Senior Planning Officer and Victoria Foreman, Democratic Services Officer.
Press:	2
Public:	15

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mike Jordan, Richard Musgrave and Liz Casling.

Councillor Ian Reynolds was in attendance as a substitute for Councillor Musgrave and Councillor David Buckle as a substitute for Councillor Jordan.

2 DISCLOSURES OF INTEREST

All Committee Members declared that they had received information in relation to agenda item 6.4 - 2017/1346/FUL – Peartree Farm, Main Street, Saxton, but had not expressed opinions on the scheme.

Councillor I Reynolds declared a non-pecuniary interest in relation to agenda items 6.1 – 2016/1077/FULM – Staynor Hall, Abbots Road, Selby and 6.2 – 2017/0853/EIA – Staynor Hall, Abbots Road, Selby, as he was a Managing

Partner at Stephenson who had acted for the owners of Staynor Hall in the past. Councillor Reynolds confirmed that he would remain in the meeting during consideration of the application, but would not take part in the debate or vote.

Councillor I Reynolds also declared a pecuniary interest in agenda item 6.3 – 2016/1503/COU – Hollicarrs Holiday Park, York Road, Escrick, as the applicants was a client of the firm Stephenson, for which he was a Managing Partner. Councillor Reynolds confirmed that he would leave meeting during consideration of the application and would not take part in the debate or vote.

Councillor D Peart declared a non-pecuniary interest in agenda item 6.3 – 2016/1503/COU – Hollicarrs Holiday Park, York Road, Escrick, as he had received email representations from some residents of Hollicarrs Holiday Park, but had not expressed opinions on the scheme.

3 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chairman informed the Committee that an officer update note had been circulated.

The Committee noted that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The order of business would therefore be as follows:

1. 2018/0226/FUL- East End Cottage, Main Street, Thorganby
2. 2016/1503/COU – Hollicarrs Holiday Park, York Road, Escrick
3. 2017/1381/FUL – Land at Viner Station, Roe Lane, Birkin, Knottingley
4. 2016/1077/FULM – Staynor Hall, Abbots Road, Selby
5. 2017/0853/EIA – Staynor Hall, Abbots Road, Selby
6. 2017/1346/FUL – Peartree Farm, Main Street, Saxton
7. 2018/0391/HPA – Old Forge Cottage, Main Street, Church Fenton

4 SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

5 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 9 May 2018.

RESOLVED:

To approve the minutes of the Planning Committee meeting

held on 9 May 2018 for signing by the Chairman.

6 PLANNING APPLICATIONS RECEIVED

The Committee considered the following applications.

6.1 2018/0226/FUL - EAST END COTTAGE, MAIN STREET, THORGANBY

Application: 2018/0226/FUL

Location: East End Cottage, Main Street, Thorganby

Proposal: Proposed demolition of existing dwellings, outbuildings and garages and the erection of 3 No. residential dwellings, garages and associated works and infrastructure (Amendment to planning permission 2016/1029/FUL)

The Principal Planning Officer presented the application that had been brought to the Committee as Officers considered that although the proposal was contrary to the provisions of the Development Plan, there were material considerations that would justify approving the application.

Members noted that the application was for the proposed demolition of existing dwellings, outbuildings and garages and the erection of 3 No. residential dwellings, garages and associated works and infrastructure (Amendment to planning permission 2016/1029/FUL).

In relation to the officer update note, the Committee were made aware that an additional letter of representation had been received advising that buildings had been demolished on the site and concern had been raised regarding the potential impact on wildlife. It was subsequently noted from a site visit that the outbuildings to the rear of the site had been demolished; this would have required permission given that the site was located within the Conservation Area.

The Committee noted that as such, the previous planning permission was not considered to have been lawfully implemented, as the permission incorporated pre-commencement conditions which had not yet been discharged from the planning permission. It was therefore no longer considered that there was a fall-back position of an extant implementable planning permission; the recommended acceptability of the proposal in principle was based upon the ability to implement the existing planning permission.

Officers therefore recommended that consideration of the application be deferred to a future meeting of the Committee in order for officers to consider whether there were any other material considerations that could outweigh the existing conflict with Policy SP4 of the Core Strategy.

It was proposed and seconded that the application be deferred.

RESOLVED:

To DEFER the application to a future meeting of the Committee in order for officers to give further consideration to the application.

6.2 2016/1503/COU - HOLLICARRS HOLIDAY PARK, YORK ROAD, ESCRICK

Councillor Ian Reynolds left the meeting at this point.

Application: 2016/1503/COU

**Location: Hollicars Holiday Park, York Road, Escrick
Proposal: Change of Use of land as an extension to an existing holiday park (caravan site) together with (in outline) a new laundry building and the construction of a package wastewater treatment plant: siting of caravans to provide classroom, cafe with WC accommodation and potting/machinery shed, additional parking and package wastewater treatment plant**

The Senior Planning Officer presented the application that had been brought to the Committee due to the significant amount of objections received.

Members noted that the application was for Change of Use of land as an extension to an existing holiday park (caravan site) together with (in outline) a new laundry building and the construction of a package wastewater treatment plant: siting of caravans to provide classroom, cafe with WC accommodation and potting/machinery shed, additional parking and package wastewater treatment plant.

In relation to the officer update note, the Committee were made aware that there were amendments to paragraphs 2.0 and 4.11 of the report, and that paragraph 4.38 should be deleted as it related to the same point referred

to in paragraph 4.36. There was also an amendment to the wording of condition 21. The order of conditions would also be amended and renumbered, with condition number 20 moved to condition 4.

Ralph Brough, objector, spoke in objection to the application.

Jennifer Hubbard, agent, spoke in support of the application.

The Committee debated the application further and asked the Officer a number of questions on the application regarding the SINC (Site of Importance for Nature Conservation), the nature of the occupation of the static caravans and the location of the ancient woodland near the application site.

It was proposed and seconded that the application be approved.

RESOLVED:

- i. **To APPROVE the application subject to the conditions set out in the Officer Update Note and paragraph 6.0 of the report.**
- ii. **To delegate authority to the Senior Planning Officer to finalise highways conditions with the relevant North Yorkshire County Council Highways Officer.**

6.3 2017/1381/FUL - LAND AT VINER STATION, ROE LANE, BIRKIN, KNOTTINGLEY

Councillor Ian Reynold re-joined the meeting at this point.

Application: 2017/1381/FULM

Location: Land at Viner Station, Roe Lane, Birkin

Proposal: Proposed erection of a new grain store including a chemical store and roof mounted solar PV

The Senior Planning Officer presented the application that had been brought to the Committee on the basis of concerns raised by Councillor Mackman which included impact on the local and strategic highway network, impact on local amenity, impact on flooding and over development of the site. In addition, more than 10

representations have been received which are contrary to the officer recommendation.

Members noted that the application was for the proposed erection of a new grain store including a chemical store and roof mounted solar PV.

In relation to the officer update note, the Committee were made aware of the additional information relating to neighbour comments, the use and storage of grain by JE Hartley farm business (including clarification from the agent on the matter), and the subsequent additional condition that no development should commence until details of how the grain store would be heated and powered had been submitted and agreed in writing with the local planning authority. The development would be carried out in accordance with the approved scheme satisfying this condition.

George Wright, objector, spoke in objection to the application.

Emma Winter, agent, spoke in support of the application.

The Committee debated the application further and asked the Officer a number of questions on the application regarding any recent expansion to the business, the need for more detailed blue line plans to be provided to the officers and Committee, and the usage of some buildings for unpermitted business uses.

Members felt that they required more information on the application, including on the unauthorised uses of some buildings, before they could take a decision. Some Members expressed a preference for a site visit; however, it was agreed that a decision on such a visit would be taken at a later date.

It was proposed and seconded that the application be deferred.

RESOLVED:

To DEFER the application to a future meeting of the Planning Committee in order for additional plans and information on the application (including the unauthorised use of some buildings on the site) to be submitted by the applicant.

6.4 2016/1077/FULM - STAYNOR HALL, ABBOTS ROAD, SELBY

Application: 2016/1077/FULM

Location: Staynor Hall, Abbots Road, Selby

Proposal: Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)

The Principal Planning Officer presented the application that had been brought to the Committee as it was EIA Development.

Members noted that the application was for the erection of 37 residential dwellings with associated highways infrastructure (Phase 3F).

In relation to the officer update note, the Committee were made aware that further clarification had been requested by the Solicitor to the Council regarding the methodology underpinning the calculation of affordable housing provision. The officer update note explained the calculation in detail, as well as additional work on refining the Heads of Terms for the proposed Section 106 agreement, the protection of Ancient Woodland and re-publicity due to the amendments to the layout of Phase 3F.

Robin McGinn, agent, spoke in support of the application.

The Committee debated the application further and asked the Officer a number of questions on the application regarding construction management and the size of bedrooms in the development. Members noted that the registered providers had confirmed they were happy with the proposed bedroom sizes.

Members agreed that an additional condition should be added to the permission requiring the use of a construction management plan.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

- i. no objections following the further consultation on the latest layout amendments;**
- ii. a Section 106 agreement based upon**

the Heads of Terms set out in the table in the Officer Update Note;

- iii. the conditions set out at paragraph 6.0 of the report, an additional condition regarding a construction management plan, plus the following additional conditions relating to the adjoining Ancient Woodland:**

‘No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.’

6.5 2017/0853/EIA - STAYNOR HALL, ABBOTS ROAD, SELBY

Application: 2017/0853/EIA

Location: Staynor Hall, Abbots Road, Selby

Proposal: Proposed erection of 12 residential dwellings at Phase 3G

The Principal Planning Officer presented the application that had been brought to the Committee as it was EIA Development.

Members noted that the application was for the erection of 12 residential dwellings at Phase 3G.

In relation to the officer update note, the Committee were made aware that further clarification had been requested by the Solicitor to the Council regarding the methodology underpinning the calculation of affordable housing provision. The officer update note explained the calculation in detail, as well as additional work on refining the Heads of Terms for the proposed Section 106

agreement, the protection of Ancient Woodland and re-publicity due to the amendments to the layout of Phase 3F.

Robin McGinn, agent, spoke in support of the application.

Members noted that there had been no re-publicity for Phase 3G, but agreed that an additional condition should be added to the permission requiring the use of a construction management plan.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

- i. A Section 106 agreement based upon the Heads of Terms set out in the table in the officer update note;**
- ii. the conditions set out at paragraph 6.0 of the report, an additional condition regarding a construction management plan, plus the following additional conditions relating to the adjoining Ancient Woodland:**

‘No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.’

6.6 2017/1346/FUL - PEARTREE FARM, MAIN STREET, SAXTON

Application: 2017/1346/FUL

Location: Peartree Farm, Main Street, Saxton
Proposal: Erection of a dwelling following demolition of a barn

The Principal Planning Officer presented the application that had been brought to the Committee because 10 letters of support had been received contrary to the officer's recommendation for refusal.

Members noted that the application was for the erection of a dwelling following demolition of a barn.

The Committee debated the application further and asked the Officer a number of questions on the application regarding the local letters of support received for the application and the potential to convert the barn instead of demolishing it and building a new dwelling.

Members agreed with the Officer's recommendation that the application be refused; it was felt that there were no very special circumstances relating to the application that would outweigh the harm by reason of inappropriateness, as the application was within the green belt.

It was proposed and seconded that the application be REFUSED.

RESOLVED:

To REFUSE the application for the reasons set out in paragraph 6.0 of the report.

6.7 2018/0391/HPA - OLD FORGE COTTAGE, MAIN STREET, CHURCH FENTON

Application: 2018/0391/HPA

Location: Old Forge Cottage, Main Street, Church Fenton

Proposal: Proposed erection of a double garage

The Principal Planning Officer presented the application that had been brought to the Committee as the application had been made by a District Councillor.

Members noted that the application was for the proposed erection of a double garage.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to conditions set out in paragraph 6.0 of the report.

7 GASCOIGNE WOOD RAIL FREIGHT INTERCHANGE

The Committee received the pre-application presentation in relation to a potentially significant development at the former Gascoigne Wood Colliery site off New Lennerton Lane, Sherburn in Elmet. Members' preliminary thoughts on the draft proposals were sought as part of an ongoing pre-application process.

Members noted the advice from the Committee's solicitor that informal pre-application discussions such as these were common practice for forthcoming developments and undertaken without prejudice to the rights of the Committee to consider the matter if and when it was presented for a decision.

Following the presentation, the Committee discussed the proposals in detail. Members emphasised the importance of ensuring that infrastructure issues such as road capacity and maintenance, bus and train provision and general transport planning were given due and serious consideration.

Members also emphasised the importance of ongoing consultation with local people, including the Sherburn Aero Club whose flight path may be affected by any potential development.

The applicants explained that they had already considered a number of issues in relation to the site, including ecology, flooding and landscaping to name but a few.

No pre-application decisions were made at the session and the Committee Members reserved their rights to make any decision as they saw fit in the future, should the proposals be submitted formally as an application to the Council.

RESOLVED:

To note the report and the applicant's presentation.

The meeting closed at 4.30 pm.

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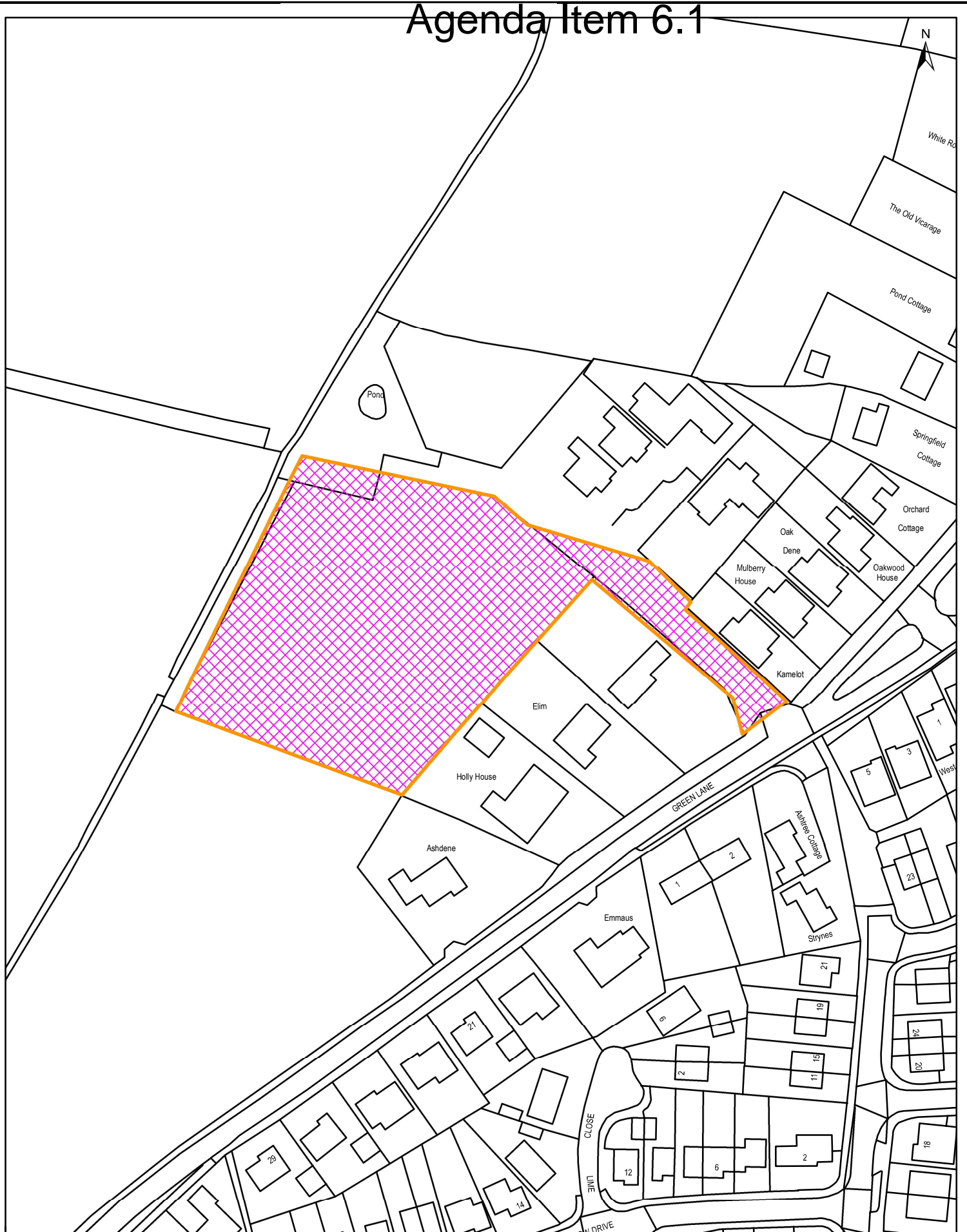
Agenda Item 6

Items for Planning Committee

11 July 2018

Item No.	Ref	Site Address	Description	Officer	Pages
6.1	2017/0687/FUL	Springfield House Farm Green Lane North Duffield	Proposed erection of 4 no. detached bungalows with integral garages	PAED	15 - 32
6.2	2018/0263/FUL	Jackadory 37 York Road Riccall	Proposed erection of 1No. dwelling	JETY	33 - 48
6.3	2018/0383/COU	Unit 5, Copley Enterprise Park, Station Road, Tadcaster	Change of use from Class B2 General Industry to Class D2 Assembly and Leisure	PAED	49 - 56

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APPLICATION SITE

Springfield House Farm, Green Lane, North Duffield
2017/0687/FUL

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Report Reference Number: 2017/0687/FUL (8/13/285/PA)

Agenda Item No: 6.1

To: Planning Committee
Date: 11 July 2018
Author: Mr Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0687/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	L & S Kendra & Son	VALID DATE: EXPIRY DATE:	3 July 2017 28 August 2017
PROPOSAL:	Proposed erection of 4 no. detached bungalows with integral garages		
LOCATION:	Springfield House Farm Green Lane North Duffield Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought to the committee as it is contrary to the Development Plan, Policy SP2A (c) of Selby District Core Strategy, but there are material considerations that would justify supporting the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a parcel of paddock land circa 0.62ha area. The site lies north of a row of houses located on Green Lane, with a vehicular access taken off a road between houses called Springfield House and Kamelot.

- 1.2 The site lies south west of a current small housing development nearing completion to which the developer is the applicant for this proposal.
- 1.3 The development site lies outside defined development boundaries with part of the vehicular access within the development limits of North Duffield.

The Proposal

- 1.3 The proposed development is to develop the site for four detached bungalows each with integral garages, parking and associated garden space. There would be a shared vehicular access taken off Green Lane which is also shared with the development north east of the site, which serves 5 dwellings.

Relevant Planning History

The following applications relate to the housing development situated to the north east which uses the same vehicle access.

- 1.4 2017/1203/FUL – Permitted 4.1.2018 - Section 73 application to vary Condition 2 (landscaping), Condition 4 (vehicular access, parking, manoeuvring and turning), Condition 10 (gullies and drains) and Condition 12 (approved plans) of planning permission 2017/0691/FUL for section 73 application to vary conditions 02 (landscaping), 04 (turning areas), 10 (gullies and drains), and 12 (approved plans) and to remove conditions 13 (site investigation), 14 (remediation) and 15 (remediation) of approval 2015/1007/FUL demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage.
- 1.5 2017/0691/FUL – Permitted 2.10.2017 - Section 73 application to vary conditions 02 (landscaping), 4 (Turning areas), 10 (Gullies & Drains) and 12 (approved plans) and to remove conditions 13 (Site Investigation), 14 (Remediation) and 15 (Remediation) of approval 2016/0853/FUL for section 73 to vary conditions 4, 5, 7, 11, 13, 16 of approval 2015/1007/FUL Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage
- 1.6 2016/0853/FUL – Permitted 19.9.2016 - Section 73 application to vary condition 04 (Access), 05 (Access, Parking & Manoeuvring Details), 07 (Onsite Details), 11 (Gully/Drain details), 13(Plans), 16 (Remediation Scheme) and remove condition 14 (Site Investigation Report) of approval 2015/1007/FUL Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage.
- 1.7 2015/1007/FUL – Permitted 9.6.2016 - Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage
- 1.8 2014/0682/FUL – Permitted 24.10.2014 - Conversion of an agricultural building to form 7no. residential units

2.0 CONSULTATION AND PUBLICITY

- 2.1 The application was advertised by site notice as a departure from the development plan, being located outside development limits, site notice and neighbour notification letters, with 7 objections received citing the following concerns:

- Roads in the area are busy,
- Inadequate drainage in the area,
- The school is overprescribed,
- There are great crested newts in the pond near the site,
- Parking is inadequate,
- There has been an increase in anti-social behaviour in the village as the number of young adults has increased,
- Poor bus service,
- Current housing development has created noise, dust and increased traffic,
- Reference to the risk assessment,
- Trees are to be removed,
- The footpath to the front of Kamelot dwelling is not required.

2.2 Parish Council

No comments received on the application.

2.3 Contaminated Land Consultants

No objection subject to conditions for a watching brief and unforeseen contamination.

2.4 NYCC Highways

No objection subject to conditions.

2.5 Selby Area Internal Drainage Board

No comment to make on the application.

2.6 Yorkshire Wildlife Trust

Holding objection.

2.7 HER Officer

No objection to the proposal and no further comments to make.

2.8 Yorkshire Water

No comment received on the application.

2.9 The Ouse & Derwent Internal Drainage Board

No objection subject to conditions.

2.10 Environmental Health

No objection.

2.11 North Yorkshire Bat Group

No comment received on the application.

2.12 Public Rights Of Way Officer

No comment received on the application.

2.13 Natural England

No objection.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

3.1 The application site lies largely outside defined development limits in the open countryside with the vehicular access partly inside village limits. The site is situated within flood zone 1 which is at low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.4 The relevant Core Strategy Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP5 The Scale and Distribution of Housing
- SP8 Housing Mix
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP19 Design Quality

Selby District Local Plan

3.5 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated
- T1 Development in Relation to Highway
- T2 Access to Roads

Other Guidance/Policies

3.6 Affordable Housing Supplementary Planning Document, 2013

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

- Principle of Development
- Character and Form
- Residential amenity
- Nature conservation and Protected Species
- Highways
- Flood Risk, Drainage and Climate Change
- Contaminated Land
- Affordable Housing
- Archaeology

4.2 Principle of Development

4.2.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. The application site lies largely outside the settlement boundary of North Duffield, with the vehicular access partly inside development limits. It is therefore considered that the majority of the development site would be located outside development limits in the open countryside.

4.2.2 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances." The proposal should therefore be refused unless material considerations indicate otherwise.

4.2.3 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise.

4.2.4 On 15th November 2017, the Director of Economic Regeneration & Place at Selby District Council formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 6.2 years, as set out in the

30th September update to the 2017-2022 Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site would provide additional dwellings to the housing supply.

- 4.2.5 The NPPF is a material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with particular emphasis on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Sustainability of the Development

- 4.2.6 The site is adjacent to the development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, where there is scope for additional residential growth to support rural sustainability. The village contains a number of local services, including a primary school and general store and also benefits from bus services to Selby, York and Leeds. In terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.
- 4.2.7 In addition to the above, it is noted that the village of North Duffield has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location in a rural context. However, the village is considered to be "least sustainable" in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy.
- 4.2.8 It is considered that taking a holistic view of the village in terms of its sustainability credentials and despite the fact that the site is located outside the defined development limits of North Duffield, it is adjacent to the development boundary and would be served by the local facilities and transport links to local service centres.
- 4.2.9 Objections received from residents refer to the school being over prescribed and a lack of services in the village. The proposal would bring forward CIL monies that would go into a pot for the Council to spend toward education facilities for example.

Previous Levels of Growth and the Scale of the Proposal

- 4.2.10 Core Strategy Policy SP5 designates levels of growth to each of the 3 main towns, the group of Designated Service Villages and the group of Secondary Villages based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 for DSVs as whole. Data taken from the 2017-2022 Five Year Housing Land Supply Report (which uses a base data of the 31st of March 2017) shows that this minimum target has already been substantially exceeded, with 2,567 homes built or with since the start of the of the plan period in April 2011.

- 4.2.11 In order to assess the scale of housing allocations to apportion to each DSV in the Site Allocations Local Plan, the Council published a Designated Service Villages Growth Options Report as part of the evidence base for the PLAN Selby Site Allocations Local Plan Document in June of 2015; this document was subject to a 6 week public consultation. The evidence set out in the Growth Options report provides a guide for decision making as to the amount of housing development that is appropriate in DSV's. The research and analysis undertaken in the Growth Options report included a numerical assessment of the housing supply per village and a detailed assessment of the services and infrastructure of each village, in order to determine its sustainability. This approach accords with the spatial strategy of the CS which envisages only "limited" growth in DSVs to support rural sustainability. Any other approach would inevitably lead to unsustainable levels of housing development in the villages and a fundamental undermining of the spatial strategy.
- 4.2.12 The Growth Options report indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings (gross) built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 56 dwellings, giving a gross total of 68 (66 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at 4 dwellings, is considered to be appropriate to the size and role of this Designated Service Village. The extant approvals exceed this guide for a growth option. Regarding the current residential permissions for 66 dwellings, 55 are considered to be deliverable within 5 years. An additional 4 dwellings is not considered to raise significant concerns for the cumulative growth of North Duffield. Having regard to the above, it is considered that the level of growth proposed, in this instance, is acceptable for this DSV.

4.3 Design and Impact on the Character and Appearance of the Area

- 4.3.1 The application site is located outside the defined development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The application seeks full planning permission for the erection of a residential development of four dwellings, with access road and associated gardens and parking for each plot.
- 4.3.2 Land to the west of Green Lane and to the rear of houses that front this road has received residential permissions in recent years, all of which are outside development limits. Land to the north of the site is almost complete and contains 5 dwellings. Land further north received outline permission for 35 dwellings. Land to the south of the application site received outline permission for 9 dwellings and there is currently a reserved matters application pending on this site.
- 4.3.3 The application site would share a vehicular access with the housing site currently under construction and is almost complete. The site is used as a paddock and has a strong hedge and tree boundary on its south and western perimeter. The proposal includes the siting of four detached bungalows which closely mirrors the layout of the adjacent new housing site, albeit with larger footprints. The bungalows would be constructed using terca topaz red brick walls, sandtoft clay pantiles on the main roofs and white upvc windows. The shared space road would be finished using black tarmac and drives to each plot would be brindle red multi herringbone. On

Green Lane there is a varied mix of house types and external finishes and the proposed finishes to the bungalows would not give rise to adverse design issues for this locality.

- 4.3.4 Land west of the site is open countryside and largely arable farmland. It is important to maintain a strong landscaped boundary on this perimeter as this is the case for a significant distance to the north and south of the western perimeter of the field boundaries.
- 4.3.5 Each plot would have a generous rear garden which ranges from 33-38m and there would be circa 10m garden land to the front of each dwelling. A service road would be located behind the gardens of three houses on Green Lane and each plot, in addition to an integral garage, would have adequate off street parking.
- 4.3.6 Advice has been sought from the Council's Urban Designer on the design and layout of the proposal. It is acknowledged that development on the adjacent site replaced large scale agricultural buildings so could result in an improvement to the setting of the village and open countryside beyond. However, there are concerns with the suburban form of the proposal. Officers consider that the design and layout does not differ significantly from the new housing development adjacent and the houses on Green Lane are largely urban in appearance. This area of the village does not have a traditional village setting. Immediately to the east of the site there are suburban designed houses.
- 4.3.7 As such it is considered, that the proposed development would not raise significant adverse concern for the overall character and appearance of this area of the village, in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

4.4 Residential amenity

- 4.4.1 The front elevation of the bungalows would be circa 32-38m away from the rear elevation of houses on Green Lane. The ground level is largely flat and the intervening uses of rear gardens on Green Lane, a service road serving 4 dwellings and their front gardens would not lead to adverse amenity conditions for neighbouring residents. The service road, given that it would serve 4 dwellings, is not considered to be of scale that would result in adverse nuisance to neighbouring residents.
- 4.4.2 There would be adequate space about each dwelling for future occupiers to enjoy and sufficient space for waste/recycling areas, off street parking and landscaping.
- 4.4.3 As such, the proposal accords with Policies ENV1 (1) of the Local Plan and the NPPF which seek to ensure that proposals take account of the amenity of neighbours.

4.5 Nature Conservation and Protected Species

- 4.5.1 The application site is not located within any statutory or non-statutory sites of nature conservation importance. There are two statutory sites found within a 2km search area. Lower Derwent Valley located at its nearest point circa 1km to the east and Skipwith Common located circa 1.2km to the west of the site.

- 4.5.2 Objections refer to the impact on wildlife in the area with particular reference to great crested newts allegedly using a nearby pond. The application is accompanied with an Ecology Appraisal and Great Crested Newt survey as there is a pond located north east of the site. Yorkshire Wildlife Trust have noted a holding objection and advise that the submitted surveys are thorough and suggest appropriate mitigation. But they advise that the site layout plan does not indicate newt or ecological mitigation. Contrary to these comments, the submitted Great Crested Newt Survey recommends mitigation measures at Section 6 of the report. Furthermore, YWT note the proposed fences between gardens do not provide opportunities for wildlife such as newts and hedgehogs to move through the area. The submitted 'external works plan' shows two types of boundary treatment. The rear, western perimeter of the site would have a timber post and rail fence which would provide adequate space for these species to pass below the garden fence separating each plot and would have palisade screen fencing with a 100mm gap below the vertical boards. This separation distances would provide space for these species to pass under unhindered.
- 4.5.3 Yorkshire Wildlife Trust note that if permission is minded by the LPA, a condition is suggested for the applicant/ecological consultant to submit a copy of a Natural England European Protected Species Licence covering mitigation before development commences and this is considered reasonable and necessary.
- 4.5.4 The Ecological survey makes recommendations that can be secured by condition and the GCN survey also makes recommendations and these can be secured by condition.
- 4.5.5 There are several trees on the site and these are not protected trees. Whilst they make some contribution to the visual amenity of the paddock, their removal would not be significant to the overall development of the site, which proposes on-site landscaping.
- 4.5.6 As such, the proposal is considered acceptable with respect to their impacts on protected species, habitats, nature conservation and sites of interest, and as such are in accordance with Policy ENV1(5) of the Local Plan, Policies SP15d) and SP18 of the Core Strategy the NPPF and Conservation of Habitats and Species Regulations 2010 (as amended) in this respect.

4.6 Highways

- 4.6.1 Objections received from residents refer to parking and traffic issues in the locality. The proposed development includes provision of vehicular access taken off Green Lane, which also serves an adjacent housing development. Each plot would have an integral garage and there would be adequate off street parking to serve a 3 bedroom dwelling.
- 4.6.2 NYCC Highways reviewed the application and subsequent to revised plans having been received to address initial comments regarding pedestrian crossing point and turning head configuration, the proposal is supported subject to conditions.
- 4.6.3 It is considered that the proposal for 4 dwellings would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord

with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

4.7 Flood Risk, Drainage and Climate Change

- 4.7.1 The application site falls within flood zone 1 which is the lowest probability from flooding. There are known issues of flooding in this locality. The proposal does not therefore require a flood risk sequential assessment and would be considered the most appropriate location in terms of flood risk.
- 4.7.2 Objections received from residents refer to flooding and poor drainage in the area. The application form notes that sewage would be disposed of via the mains sewer for foul sewage and an existing watercourse for surface water drainage. There are no objections from the respective drainage parties, subject to conditions to secure drainage detail, which is considered reasonable and necessary.
- 4.7.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.

4.8 Contaminated Land

- 4.8.1 The application is accompanied with contaminated land reports which have been reviewed by the Council's contaminated land consultants. They have no objection to the proposal subject to an unforeseen contaminated land condition, which is considered reasonable and necessary. It was also noted by the consultants that the site lies within a former coal mining area (noted in the risk assessment report) and it is considered that the Council's coal authority Informative would re-highlight this to any prospective construction team.
- 4.8.2 As such, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

4.9 Affordable Housing

- 4.9.1 In the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

4.10 Archaeology

- 4.10.1 The application site does not fall within an archaeology consultation zone, but has been commented upon by NYCC Heritage Officer as they note that the site lies within an area of archaeological potential.
- 4.10.2 The archaeology assessment includes a report on an archaeology geophysical survey and the results of this work were largely negative suggesting that the site

has a low archaeological potential. The NYCC Heritage Officer has no objections to the proposal.

5.0 CONCLUSION

- 5.1 The application seeks full planning permission for residential development for 4 dwellings. The application site is located outside the defined development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. It is therefore in conflict with the Development Plan, Policy SP2A. Having had regard to the moderate sustainability of the development, the previous levels of growth within North Duffield and the appropriate relationship of the proposal to the development limit, it is considered that on balance the proposal can be considered acceptable in the light of limited conflict with the development plan and limited harm.
- 5.2 Having assessed the proposal against the relevant policies, it is considered that the proposal is acceptable with respect of the impact on the character and appearance of the area, impact on residential amenity and impact on highway safety. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage and climate change, nature conservation and protected species, land contamination and archaeology.
- 5.3 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

6.0 RECOMMENDATION

This application is recommended to be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan 687/01
Proposed Bungalow Design 687/03
Proposed Site Layout 687/02D
External Works Details 687/04

Reason:

For the avoidance of doubt.

03. Prior to occupation of the dwellings hereby permitted, the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of safety and the convenience of prospective residents.

04. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of highway safety.

05. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference 687/02D. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

06. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

07. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing

immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ENV2 of Selby District Local Plan.

08. The development hereby approved shall be carried out in full accordance with the mitigation measures set out in Section 4 of the 'Preliminary Ecological Appraisal Report' by Curtis Ecology and the recommendations in Section 5 and mitigation measures in Section 6 of the 'Great Crested Newt Survey' by Curtis Ecology.

Reason:

To safeguard conservation of species/habitats in accordance with the NPPF.

09. The approved landscaping scheme noted on the Proposed Site Layout Plan 687/02D shall be implemented within the first available planting season following first occupation of any dwelling and shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason:

To ensure that there is a well laid out scheme of healthy trees and shrubs, in accordance with Policy SP19 of Selby District Core Strategy.

7. Legal Issues

7.01 Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.02 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.03 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

8. Financial Issues

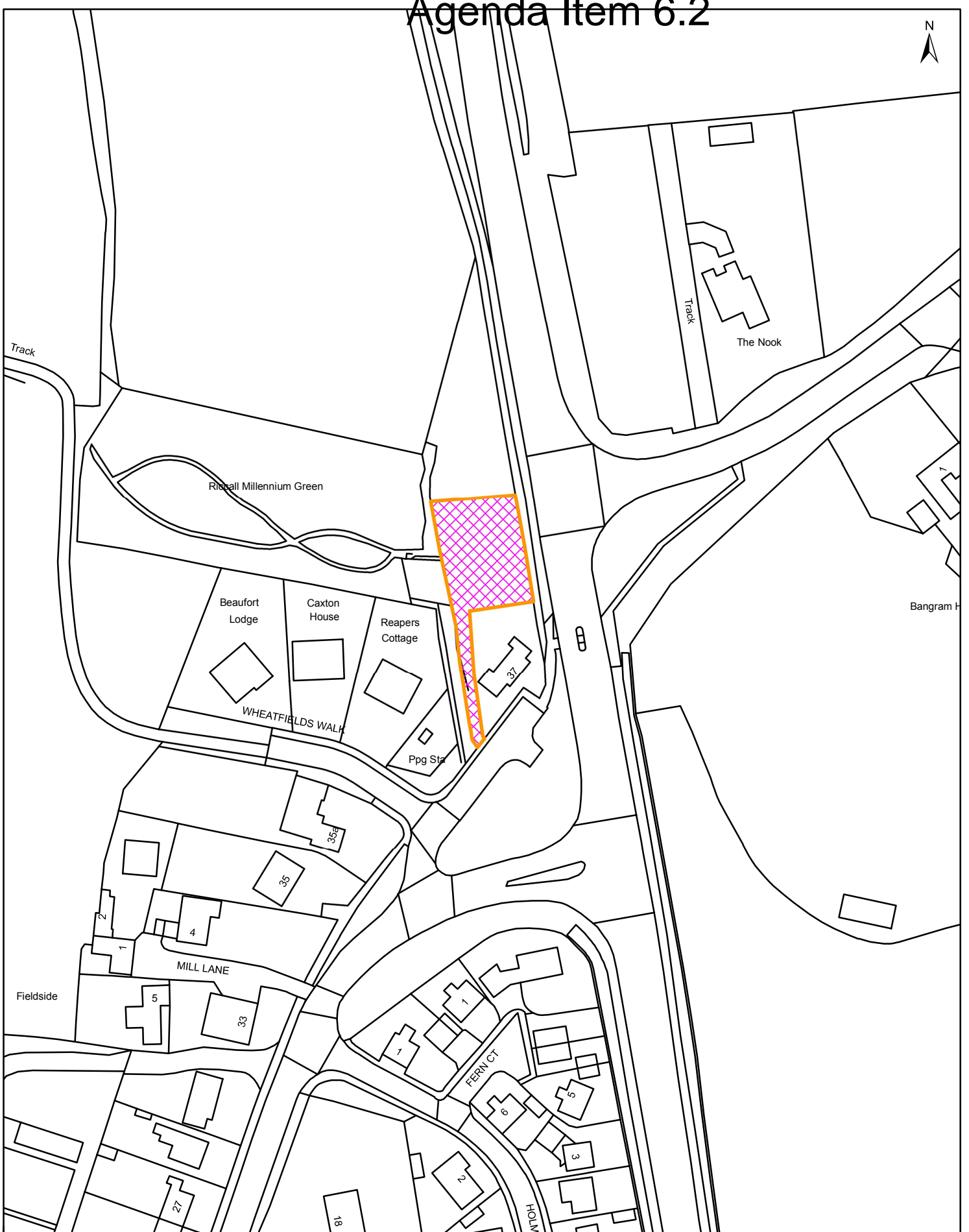
Financial issues are not material to the determination of this application.

9. Background Documents

Planning Application file reference 2018/0263/FUL and associated documents.

Contact Officer:

Paul Edwards
Principal Planning Officer



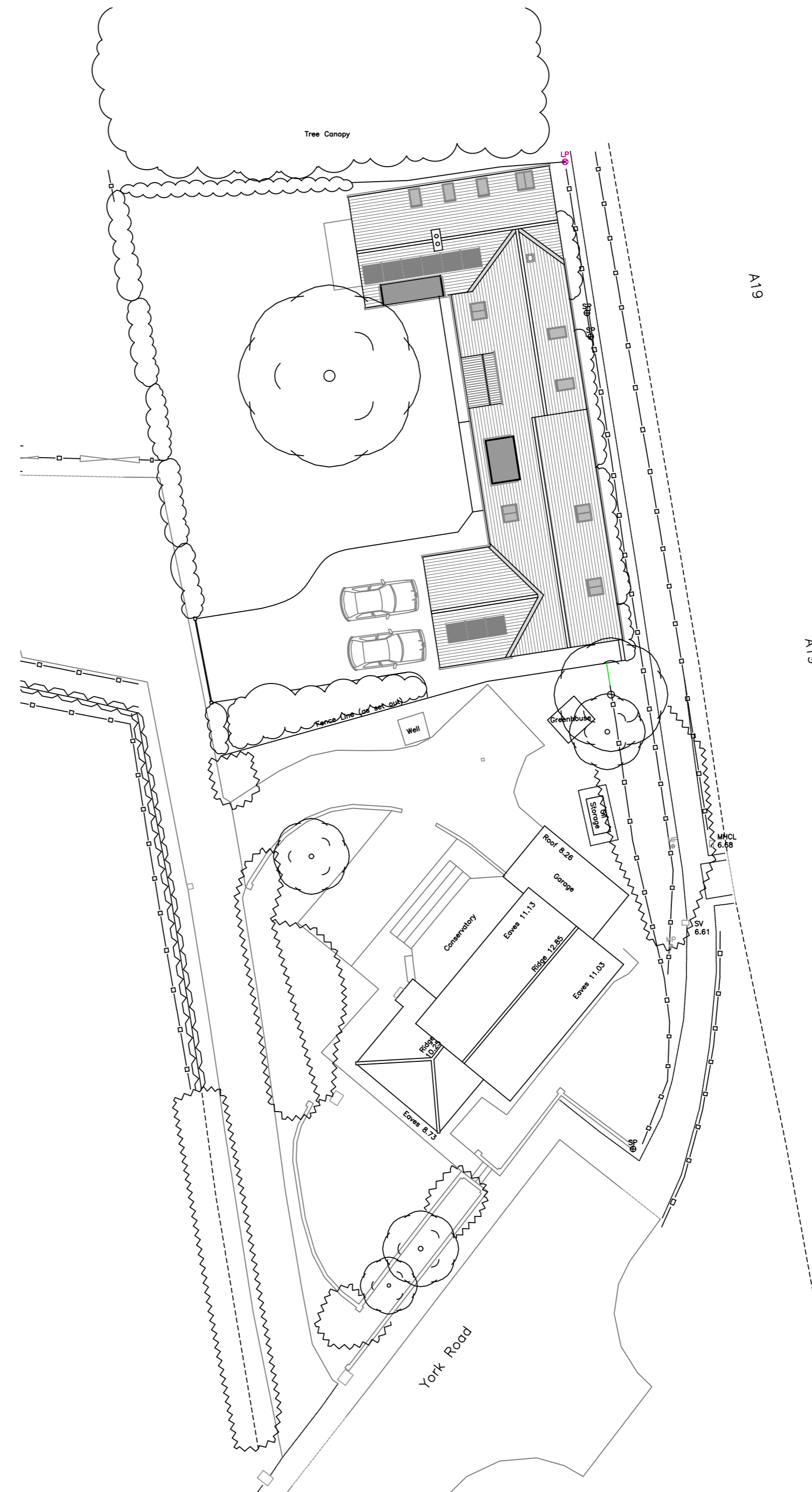
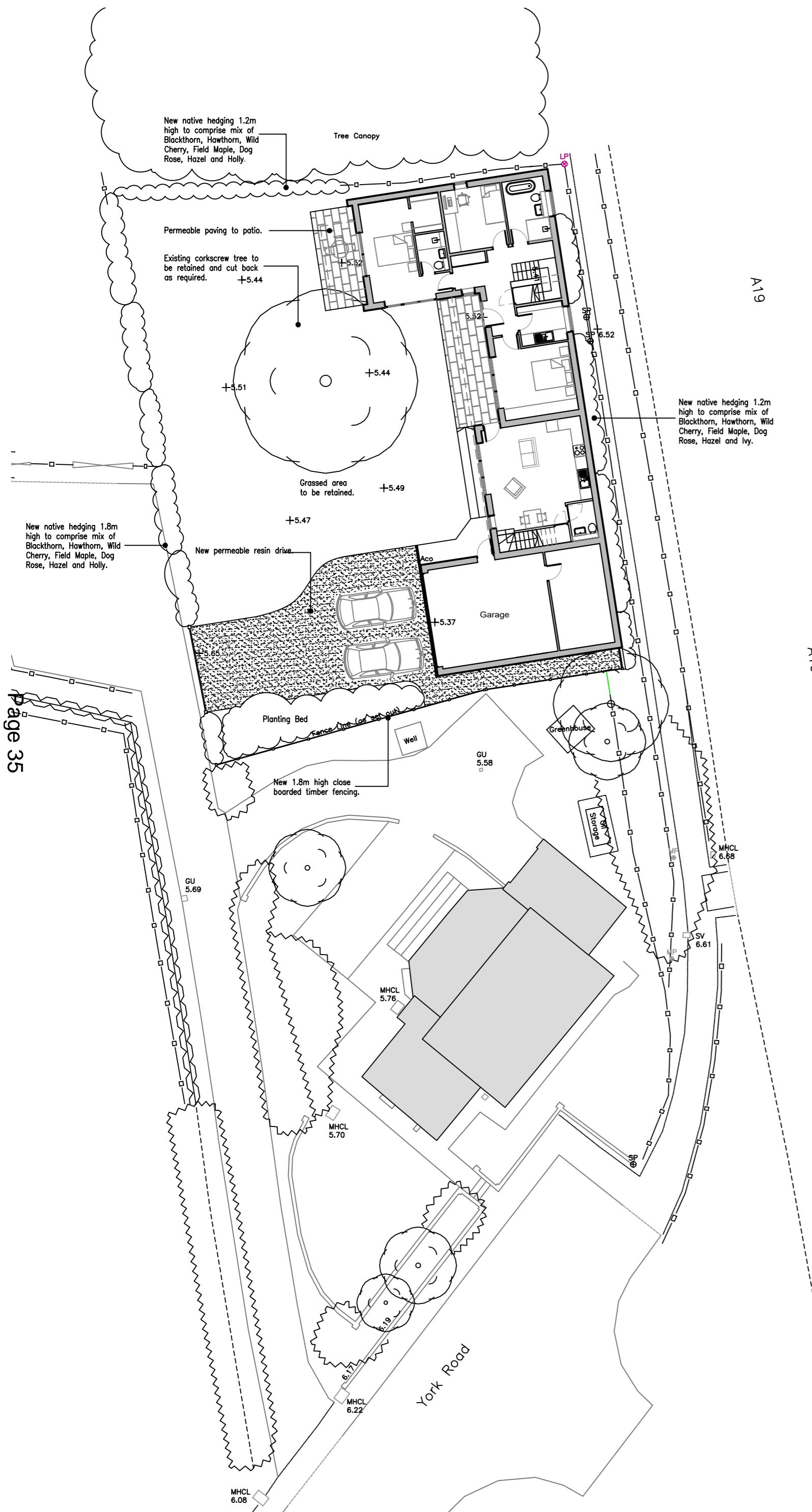
APPLICATION SITE

2018/0263/FUL
Jackadory, 37 York Road, Riccall

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Page 35

rev	description	date	date
original by	S A LEEMAN	06/03/18	Client
Status	PLANNING		
Project	FIRST IMPRESSIONS		
Project	1 Fishergate House Blue Bridge Lane York YO10 4AT Tel: 01904 627903 Mb: 07983 384216 E-mail: stephanie.leeman@virgin.net		
Project	PROPOSED NEW DWELLING LAND TO REAR OF 37 YORK ROAD RICCALL YO19 6QG		
Project	PROPOSED SITE PLANS		
scale @A2	project No	drawing No	rev
1:200	YR/01	008	-

This drawing is to read in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on site before commencing any work or producing shop drawings.

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Report Reference Number: 2018/0263/FUL

Agenda Item No: 6.2

To: Planning Committee
Date: 11 July 2018
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0263/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Miss Leeman	VALID DATE:	15 March 2018
		EXPIRY DATE:	10 May 2018
PROPOSAL:	Proposed erection of 1 no. dwelling		
LOCATION:	Jackadory 37 York Road Riccall York North Yorkshire YO19 6QG		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the application is a departure from the Development Plan, but there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of Riccall, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.
- 1.2 The application site comprises an area of land which was formerly garden land associated with the residential property to the south, Jackadory, 37 York Road, Riccall.

- 1.3 To the north of the application site are a cluster of trees, with open fields beyond; to the east of the application site is the A19; to the south of the application site is a residential property fronting York Road, known as Jackadory; while to the west of the application site is Riccall Millennium Green and residential properties fronting Wheatfield's Walk.

The Proposal

- 1.4 The application seeks planning permission for the erection of a detached dwelling.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
- An outline application, reference 2015/0687/OUT, for the erection of 1No. dwelling (all matters reserved) was approved on 01.03.2016. This is an extant planning permission.

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected, an advert placed in the local press and statutory consultees notified)

- 2.1 **Parish Council** – Object for the following reasons:

- Layout - the dwelling is too close to the boundary hedge to allow access during construction for scaffolding and for maintenance of the building in future.
- Scale - the dwelling is considered to be too big for the size of the plot.
- Access - the access road is very narrow and concern is raised that this may be an issue during construction and for deliveries.
- Appearance and landscaping - the proposed additional hedging is not considered to be sufficient to disguise the building from the A19.
- Although the Design Statement appears to have considered road noise in the design, there is no mention regarding vibration from the A19 which is also a known problem for existing properties in close proximity to the A19.

No objections to the amendments.

- 2.2 **NYCC Highways** – No objections, subject to a condition relating to a construction management plan.
- 2.3 **The Ouse & Derwent Internal Drainage Board** – No objections.
- 2.4 **Yorkshire Water** – No objections.
- 2.5 **Neighbour Summary** – All immediate neighbours have been informed by letter, a site notice has been erected and an advert placed in the local press. No letters of representation have been received as a result of this advertisement.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located outside the defined development limits of Riccall, which is a Designated Service Village as identified in the Core Strategy, and is located within the open countryside.
- 3.2 The application site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 3.3 The application site comprises potentially contaminated land arising from a dismantled railway.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.4 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

- 3.6 The relevant Core Strategy Policies are:
 - SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP5 – The Scale and Distribution of Housing
 - SP9 – Affordable Housing
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

- 3.7 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance

with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

Other Policies and Guidance

3.9 Affordable Housing Supplementary Planning Document

4. APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Other Issues

The Principle of the Development

4.2 The application site is located outside the defined development limits of Riccall, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

4.3 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

4.4 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing needs and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise.

4.5 One such material consideration is that there is an extant outline planning permission for the erection of 1No. dwelling (all matters reserved) at the application

site, under reference 2015/0687/OUT. The applicants could submit a reserved matters application following on from the extant outline permission up until 1 March 2019. This represents a fall-back position of significant weight.

- 4.6 Having regard to the aforementioned fall-back position, it is considered that although the proposal is a departure from the Development Plan, the fall-back position represents a material consideration which would justify approval of the application.

Design and Impact on the Character and Appearance of the Area

- 4.7 The application site is located outside the defined development limits of Riccall, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.
- 4.8 The application site comprises an area of land which was formerly garden land associated with the residential property to the south, Jackadory. To the north of the application site are a cluster of trees, with open fields beyond; to the east of the application site is the A19; to the south of the application site is a residential property fronting York Road, known as Jackadory; while to the west of the application site is Riccall Millennium Green and residential properties fronting Wheatfield's Walk.
- 4.8 The comments of the Parish Council are noted regarding the layout, appearance and landscaping of the proposed dwelling.
- 4.9 The application is a full application for the erection of a detached dwelling. The proposed dwelling would be sited towards the western side of the plot and would have a U-shape, with its rear elevation facing the A19 to the west and its front elevation facing Riccall Millennium Green and residential properties fronting Wheatfield's Walk to the east. The proposed dwelling would have a pitched roof, with two gable projections with pitched roof forms to the front (west elevation). The height of the dwelling would be stepped down from north to south, with the proposed dwelling having a ridge to a maximum height of 7.6 metres above ground floor level and eaves to a maximum height of 4.1 metres above ground floor level to the northern end; and a ridge to a maximum height of 6.7 metres above ground floor level and eaves to a maximum height of 2.9 metres aboveground floor level to the southern end. The submitted proposed elevations (drawing no. 006) show the proposed dwelling would be constructed using various external materials, including red multi facing brickwork, smooth off white render and accoya timber cladding for the walls and grey slates and grey GRP for the roof. Further details of these materials could be secured by way of condition. To the front (west) of the proposed dwelling would be an amenity area and an area of hard standing for car parking. Given the size, siting and design of the proposed dwelling and having regard to the context of the application site, it is considered the proposal would not have any significant adverse impact on the character and appearance of the area.
- 4.10 In terms of landscaping, the submitted proposed site plan (drawing no. 008) shows the provision of new native heading (comprising a mix of Blackthorn, Hawthorn, Wild Cherry, Field Maple, Dog Rose, Hazel and Ivy) to 1.2 metres high to the eastern boundary of the application site adjacent to the A19; the provision of new native heading (comprising a mix of Blackthorn, Hawthorn, Wild Cherry, Field

Maple, Dog Rose, Hazel and Ivy) to 1.2 metres high to part of the northern boundary of the application site; and the provision of new native heading (comprising a mix of Blackthorn, Hawthorn, Wild Cherry, Field Maple, Dog Rose, Hazel and Ivy) to 1.8 metres high to the western boundary of the application site. A grassed area to the front (west) of the dwelling to be retained, with an existing corkscrew tree to be retained and cut back as required. Furthermore, an area of hardstanding would be created towards the south of the application site with a planting bed adjacent to the southern boundary. The proposed landscaping scheme is considered acceptable and implementation in accordance with the submitted details can be secured by way of condition.

- 4.11 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.12 The application site comprises an area of land which was formerly garden land associated with the residential property to the south, Jackadory. To the north of the application site are a cluster of trees, with open fields beyond; to the east of the application site is the A19; to the south of the application site is a residential property fronting York Road, known as Jackadory; while to the west of the application site is Riccall Millennium Green and residential properties fronting Wheatfield's Walk.
- 4.13 In terms of the impact of the proposed dwelling on the residential amenity of neighbouring properties, it is noted that the closest neighbouring property is Jackadory to the south. The layout of the proposed dwelling is such that its front elevation would face west and therefore would not overlook Jackadory to the south. There are no windows proposed in the south side elevation facing Jackadory, and a condition could be attached to any planning permission granted to remove permitted development rights for the insertion of any additional windows in the south side elevation of the proposed dwelling in the interests of the residential amenity of the neighbouring property. As noted earlier in the report, the height of the proposed dwelling would be stepped down from north to south, and having regard to the size, siting and design of the proposed dwelling and its relationship to the neighbouring property to the south, Jackadory, it is not considered that it would result in any significant adverse effects of overshadowing or oppression when viewed from the neighbouring property to the south. A 1.8 metre high close boarded fence would be erected along the common boundary between the application site and the neighbouring property to the south, which would provide privacy between the respective amenity areas.
- 4.14 In terms of the impact of the proposed dwelling on the residential amenity of other neighbouring properties, given the size, siting and design of the proposed dwelling and its relationship and separation distance to other neighbouring properties, including those fronting Wheatfield's Walk to the west, it is considered that the proposal would not have any significant adverse impact on the residential amenities of any other neighbouring properties.

- 4.15 In terms of the residential amenity of the proposed dwelling, it is noted that the proposed dwelling would be served by an amenity area to the front (west) of the dwelling, which would provide an adequate amount of useable external amenity space. This would be separated from amenity space associated with the residential property to the south, Jackadory, by a 1.8 metre high close boarded fence along the common boundary, which would provide privacy between the respective amenity areas. The proposed amenity area would be sited a sufficient distance from the rear elevation of the neighbouring property to the south, Jackadory, to ensure no significant adverse effects of overlooking from the neighbouring property.
- 4.16 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.17 The proposed dwelling would benefit from a vehicular access onto York Road to the south and would benefit from an integral garage and area of hardstanding for parking and turning to the front of the dwelling.
- 4.18 NYCC Highways have been consulted on the proposals and have not raised any objections subject to a condition relating to a construction management plan. However, given the nature and scale of the proposal, for one dwelling, it is not considered reasonable or necessary to attach a condition requiring a construction management plan.
- 4.19 Having regard to the above, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Flood Risk and Drainage

- 4.20 According to the Environment Agency Flood Maps, the application site is formally located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 4.21 It is noted however, that during consideration of the extant outline planning permission, reference 2015/0687/OUT, consultation with the Environment Agency was undertaken regarding flood risk. The Environment Agency confirmed that the site "lies within flood zone 2 insofar as our flood map is concerned. The pre-application enquiry, however, suggested that this site's actual flood risk is less than that stated on our flood map (which is not intended to be accurate to a site specific level). In light of this, it would seem reasonable to undertake the sequential test according to the site's actual flood risk, rather than that shown on our flood map".
- 4.22 Having regard to the above advice from the Environment Agency, the extant outline planning permission, reference 2015/0687/OUT, was assessed on the basis that the site is considered to be de facto in flood zone 1 and therefore at the lowest risk of flooding. It would therefore be reasonable to apply the same approach to flood

risk with the current application. As the application site is considered to be de facto in flood zone 1, a sequential test would not be required to be undertaken.

- 4.23 In terms of drainage, the submitted application form sets out that surface water would be disposed of via mains sewer and foul sewage would be disposed of via mains sewer. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals and have not raised any objections to the proposals.
- 4.24 Having regard to the above, it is considered the proposals are acceptable in respect of flood risk and drainage.

Nature Conservation and Protected Species

- 4.25 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.26 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 4.27 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 4.28 The application has been supported by a planning application form and a contaminated land screening assessment form. It is noted that the Councils Contaminated Land Consultant previously assessed the site in respect of contaminated land under the extant outline planning permission, reference 2015/0687/OUT, where no objections were raised in relation to contaminated land. As the site circumstances have not altered significantly since that previous permission it is considered that the proposals would not result in any adverse impacts in relation to contaminated land. However, it would be considered reasonable and necessary to attach a condition relating to the discovery of unexpected contamination during development works to any planning permission granted.
- 4.29 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 4.30 Policy SP9 of the Core Strategy outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this

contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

- 4.31 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Other Issues

- 4.32 It is noted that the Parish Council have raised concerns regarding access to the site for construction and delivery vehicles, and access to the west side of the proposed dwelling, adjacent to the A19, for scaffolding during construction and future maintenance. These are not material planning considerations which can be taken into account in the determination of this application.

5. CONCLUSION

- 5.1 The application seeks planning permission for the erection of a detached dwelling with integral double garage.
- 5.2 The application is contrary to Policy SP2A(c) of the Core Strategy. However, there is an extant outline planning permission for the erection of 1No. dwelling (all matters reserved) at the application site, under reference 2015/0687/OUT. The applicants could submit a reserved matters application following on from the extant outline permission up until 1 March 2019. This represents a fall-back position of significant weight. Having regard to the aforementioned fall-back position, it is considered that although the proposal is a departure from the Development Plan, the fall-back position represents a material consideration which would justify approval of the application in principle.
- 5.3 The proposed development would not have a detrimental effect on the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, flood risk and drainage, nature conservation and protected species, land contamination or affordable housing.

6. RECOMMENDATION

This application is recommended to be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

001B – Location Plan
002 – Existing Site Plan
008 – Proposed Site Plan
003 – Proposed Ground Floor Plan
004 – Proposed First Floor Plan
005 – Proposed Roof Plan
006 – Proposed Elevations
009 – Contextual Elevations
007 – Proposed Sectional Elevations
C-51 – Existing Drainage
C-50 A – Drainage Strategy

Reason:

For the avoidance of doubt.

03. No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the proposed development have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. The landscaping and tree planting scheme as submitted on drawing no: 008 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

In order to ensure that the proposals integrate with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

05. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Legal Issues

7.01 Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.02 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.03 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

8. Financial Issues

Financial issues are not material to the determination of this application.

9. Background Documents

Planning Application file reference 2018/0263/FUL and associated documents.

Contact Officer:

Jenny Tyreman
Senior Planning Officer

Appendices: None

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To: Planning Committee
Date: 11 July 2018
Author: Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0383/COU	PARISH:	Tadcaster Parish Council
APPLICANT:	My Fitness Martial Arts	VALID DATE: EXPIRY DATE:	10 April 2018 5 June 2018
PROPOSAL:	Change of use from Class B2 General Industry to Class D2 Assembly and Leisure		
LOCATION:	Unit 5, Copley Enterprise Park, Station Road, Tadcaster		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The application site is one of a terrace of existing industrial units in the north east of Copley Park, next to the Station Road Sports centre.
- 1.2 The existing unit is served from an unnamed cul de sac around from the estate entrance off Station Road and the site is adjacent to the sports centre to the NE. The industrial estate extends to the south and south west along Station Road and to the rear towards Leeds Road. The nearest house is No. 33 Station Road, at the end of terrace, 25m to the north east.

The Proposal

- 1.3 The proposal is for a Fitness and Martial Arts, Class D2 (Assembly and Leisure) use in this existing 1897 sq m B2 unit. The hours given on the application form are daily, 6am to 10pm, but it also states that the main use will be after 6pm and it is

understood from the submission that it will comprise of 1:1 training or for small groups.

- 1.4 There is an email from the adjacent Unit 4 (GWS Motor Services) saying that they have no problem allowing the use of their parking spaces at Unit 4 for Unit 5 after normal working hours.

Relevant Planning History

- 1.5 The industrial estate has had 'erection of industrial units' consents since at least the early 1980's and the adjacent Sports and Leisure Centre since 1983. There is no history of applications specific to this Unit (Unit 5); Unit 3 had a c/u from B1 to B2 approved in 2011.

2. CONSULTATION AND PUBLICITY

2.1 Tadcaster Parish Council

Replied with no objection.

2.2 The Highway Authority

Replied with no objection.

- 2.3 No neighbour representations have been received

3. SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 3.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 3.3 The site is within an existing Class B1 (and B2) Industrial estate within Tadcaster's development limits and which is allocated as an 'Established Employment Area' (EEA) to which SDLP Policy EMP4 applies.
- 3.4 Policy EMP4 would presume against the loss of existing business floorspace within established areas unless significant environmental, highway or community benefits can be achieved; or the development would alleviate problems; or the supply of industrial floorspace is sufficient to meet plan period requirements or that no suitable business occupier can be found.

Core Strategy

- 3.5 The principal Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development

SP2 - Spatial Development Strategy
SP13 – Scale and distribution of Economic Growth

- 3.6 Policy SP1 is the presumption in favour of sustainable development from the NPPF and Policy SP2 (a) would support future employment....commercial and leisure growth.
- 3.7 SP13 and its commentary would support sustainable development which brings economic growth through developing and revitalising the local economy. The commentary states that, in Tadcaster, there is a recognition that existing business stock is older and may not be fit for purpose and that there is a need for additional employment floorspace to meet the needs of a modern economy (para 6.22). Subs B 2 of Policy SP13 would safeguard EEAs unless there is no reasonable prospect of it being used as such. Subs D continues ‘...In all cases development is to be appropriate in scale and type for its location, not harm character and seek a good standard of amenity’.

Selby District Local Plan

- 3.8 The relevant Selby District Local Plan (SDLP) policies are:
ENV1 - Control of Development which would permit good quality development subject to normal DC criteria.
EMP3 – Renewal of Industrial and Business Commitments
EMP 4 – Retention of EEAs.
T2 Access to Roads
- 3.9 EMP3 and EMP4 are both saved policies and there is a tension with this application and the assumption that non industrial uses will be precluded from this allocated employment use and, in the latter, that the loss would be resisted unless amongst other things there are community benefits or evidence that no industrial occupier can be found.
- 3.10 The commentary to the Core Strategy above however recognises that some existing business stock is older and may not be fit for purpose’ (para 3.7 above), this is to do with the age of the SDLP compared to the more recently adopted Core Strategy.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.11 The Framework would support sustainable economic growth and significant weight should be given to the need to support growth (para 19).

4. APPRAISAL

- 4.1 This application site is a small amount of floorspace compared to the existing Enterprise Park. The estate includes a number of other existing non B1 or B2 industrial uses and amongst them are car repair and vehicle maintenance uses, retail outlets, property consultancy and book keeping services, together with the Recycling and Household Waste collection depot. There have also been previous consents for a veterinary surgery and for office uses.

- 4.2 On this basis, and since leisure uses/ childcare or dog grooming uses, for example, are not uncommon occupants of the small industrial units on estates in many locations, it is concluded that this is a diversification, mixture of uses that would not harm the area or the Plan and would add to the mix and diversity of uses here. It would also give improved facilities for an existing operation in the area.
- 4.3 The first parts of the estate when first entering from Station Road are often congested with parked cars but the small scale use and the inference that the main use will be after 6pm would mean that this is unlikely to lead to any adverse parking or traffic issues – although it would not be reasonable to seek to control this with an hours condition. There are no highway authority comments to report. In addition, there will be no residential amenity issues given the existing uses on the industrial estate and that the nearest residential property is over 20m away, facing onto Station Road; thus Policy ENV1 is satisfied.
- 4.4 Thus, on balance, this is a use for a vacant unit which would bring the benefit of improved facilities to an existing operation in the area and given the commentary to the Core Strategy, there is an acceptance that that this existing stock is older and new uses can be found for it. Overall, this would not harm the policies or proposals of the development plan as a whole and it is recommended that this application is approved.

5. Conclusion

- 5.1 Although on the face of it, this proposal is contrary to certain provisions of the development plan, overall the policy and commentary to policy analyses above suggest a determination other than in accordance with the development plan. This type of use is a common occupant on the smaller older industrial estates and it enables a mix of uses whilst providing enhanced facilities for this existing, local operation.
- 5.2 There are no statutory or neighbour representations, and an approval would lead to a vacant unit being brought back into use.

6. Recommendation

- 6.1 Therefore, this application is recommended to be APPROVED subject to the following conditions:
01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Scale 1:1250 Buy a Plan red line site location plan
- Unit 5 Floor Plans Dwg Nos CEL- Ex- 05 and 05 1

Reason:

For the avoidance of doubt.

7. Legal Issues

7.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

- 7.4 There are no financial issues that are material to the determination of this application.

Background Documents

Planning Application file reference 2018/0383/COU.

Contact Officer:

Paul Edwards
Principal Planning Officer

Appendices: None

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Agenda Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for Nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



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